

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of) CC Docket No. 02-6
)
Keppel Union School District)
BEN #144012)
)
Schools and Libraries Universal)
Service Support Mechanism)

Petition for Waiver of FCC Form 471 Rules including
15 day Applicant Response requirement during PIA Review, and
The filing of an appeal within 60 days of a USAC decision

RE: FCC Form 471 Application # 161038857

I. INTRODUCTION AND SUMMARY

The Keppel Union School District (KUSD) is comprised of approximately 2,689 students enrolled in 7 schools which serve grades K-8. These 7 schools serve the rural communities of Littlerock, Pearblossom, and Palmdale California. 34% of KUSD students are considered to be English Learner Students, 48% speak languages other than English, and the majority (77%) of our student population are Hispanic.¹ KUSD is requesting the FCC grant a waiver of the 15 day Applicant Response requirement as well as the 60 day window for a timely appeal. KUSD seeks reconsideration with the belief that Commission has set a precedent that grants leniency toward applicants that file late waiver requests where extenuating circumstances exist. In the *Academy of Math and Science* order issued in 2010 the Commission recognized that special circumstances justified the waiver of a filing deadline.² Specifically, the FCC

¹ Keppel Union School District-School Data Records 2014-2015.
<http://www.keppel.k12.ca.us/home/>, quick link to Keppel/School Data 2014-15,
https://drive.google.com/file/d/0B_ulNxxecD0ZWlJHR3k2VUVNcjg/view

² *Academy of Math and Science* Order, FCC 10-122, CC Docket No 01-6, File Nos. SLD-487009, et al, (2010)

acknowledge, in the *Academy of Math and Science* order, that extenuating circumstances, like issues with staff members ability to complete the process, can halt the application process. The Commission specifically states “procedural violations to not constitute substantive violations of the Commission’s rules but instead are procedural violations” for which a complete denial is not warranted.

II. EXTENUATING CIRCUMSTANCES

- During the FY16 FCC Form 471 Filing Window the Keppel Union School District was operating without a Superintendent, who had resigned at the end of January 2016.
- The E-rate EPC Account Administrator for the KUSD left the district on July 5, 2016.
- KUSD Assistant Superintendent left the district on June 10, 2016.
- KUSD Director of Operations left the district on July 15, 2016.
- KUSD Director of Business Services left the district July 1, 2016 and a new director was not hired until 10/10/16.
- KUSD is still operating without an Assistant Superintendent and a Director of Operations.

III. SUMMARY

A new Superintendent for KUSD was hired on July 1, 2016, only days before the Account Administrator officially left the district, *without taking the appropriate actions that would allow access of the KUSD EPC Account*. The newly hired Superintendent (see Appendix B) was not made aware of the existence of an E-rate EPC portal. All of the key personnel, with respect to E-rate knowledge, were gone from the district. It was during this time that critical PIA questions came to an EPC account that was not being monitored. The result was that, without access to EPC and the knowledge that essential E-rate inquiries and notifications *would be available only within EPC*, no one in the new administration was aware that E-rate program rules of timely response were being violated.

On October 11, 2016 two separate Case Management Associates from Program Integrity Review (PIA) reached out to the contact through the EPC Portal on FCC Form 471 # 161038857, to no avail. In summary, the three PIA inquires were related to Item 21

information supporting the application related to costs and one PIA inquiry asking for line counts. It should be noted that district contract for these services were already uploaded into the EPC system, and had these costs, and line information included in them. Despite these contracts being uploaded into the system going back to when the applications were originally submitted prior to the form 471 deadline, PIA still requested validation in the PIA questions (If PIA would have reviewed the documents that were uploaded during the 471 submission, their PIA questions would not have been needed, and in practical terms, the application could have been approved). However, after the 15 day response period elapsed, the reviewers had not been furnished with their requested verification of eligibility of products and services, and they had forwarded the application in the review process with a zero funding determination. No one within the current KUSD administration or any related staff ever saw these inquiries.

PLEASE NOTE: The district has no record of any attempt of PIA calling or faxing the district to inform them of open questions. This has been a historical practice of E-rate process in past years (prior to the full implementation of EPC last year).

Ultimately, on January 9, 2017 the Keppel Union School was issued a Funding Commitment Decision Letter for District FY16 FCC Form 471 #161038857 with a \$0.00 Amount Approved and a \$153,178.12 in funding denied.

The Keppel Union School District only became aware of the FY16 FCDL and its funding denial on March 13, 2017 (see Appendix A) when they hired a consultant firm to assist them with filing the FY2017 E-rate paperwork.

Review of the PIA questions that were not responded to showed that for FRN #s 1699083534, 1699083554, and 1699083570 all requested that supporting documentation, such as a contract, be provided. In each of these instances a contract had been uploaded and associated with the FRN named.

IV REQUEST

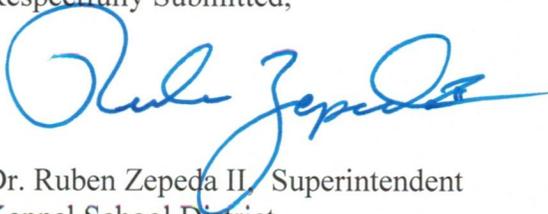
The Keppel Union School District respectfully petitions the Commission to waive the 60 day filing of a timely appeal for the foregoing reasons. We ask the Commission to remand the application to USAC to allow KUSD the opportunity to respond to inquiries

so that FCC Form 471 #161038857 can be reviewed. The KUSD is most willing to respond to PIA inquiry and would have done so in October if there had been any knowledge that such inquiry existed.

The Keppel Union School District additionally petitions the Commission to waive the 15 day timely PIA response period due to the circumstances that have been outlined in this document. It is important to underscore that the violation did not constitute substantive violations of the Commissions rules for which a complete denial was not warranted. We seek the same ruling that was granted to the petitioners in the *Academy of Math and Science* order due to the similarity of the circumstances that were considered.

Not granting the above two waivers will create a serious financial hardship for the Keppel Union School District and the students that it serves. As stated above, our students come from a high poverty environment, and these category 1 funds allow us to serve our students better with our technology, and access to 21st century tools.

Respectfully Submitted,



Dr. Ruben Zepeda II, Superintendent
Keppel School District
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(661) 944-2155 ext. 112

Appendix A

E-rate Productivity Center (EPC)

Screen Shot of Date FCDL was first viewed by Keppel Union School District

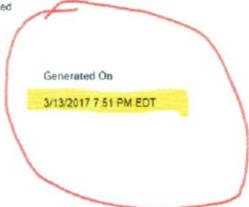
Welcome, KEPPEL UNION ELEM SCHOOL DIST!

Notifications

Notification Type: FCDL
Funding Year: 2016
Wave Number: Please select a value

Status: All
 Generated
 Not Generated

Notification	Description	Issued Date	Generated By	Generated On	
 FCDL	FCC Form 471 - 161038857	1/9/2017	r2epeda@keppel.k12.ca.us	3/13/2017 7:51 PM EDT	View Notification



Appendix B

Press Release naming Dr. Ruben Zepeda II to join Keppel Union School District in July 2016



*Seek Education
Strive for Excellence
Aspire to Greatness*

BOARD OF TRUSTEES

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Press Release For Immediate Distribution - May 27, 2016

It is with great pleasure that we announce the next Superintendent of the Keppel Union School District, Dr. Ruben Zepeda. The Board voted unanimously, Mr. Gaines was absent, on his appointment at its May 26th regular meeting. Dr. Zepeda briefly addressed the audience in both English and Spanish promising to build on the district's successes while urging the importance of teamwork among parents, staff, community members and Board Trustees. He stated that he was humbled by the support and faith the Board placed in his leadership.

Dr. Zepeda most recently served as the Superintendent of the Aromas-San Juan Unified School District for the last two years. In that time, Dr. Zepeda wrote the district Local Control Accountability Plan, established district goals focusing on high learning expectations for all students, built new permanent classrooms with bond funds, improved the district's technological infrastructure for improved student learning and placed the district on the road to financial stability after suffering over a million dollars in unexpected budget cuts.

Dr. Zepeda has been a public school educator for over 30 years and has been a resident of east Palmdale since 1990. He has been a teacher, assistant principal, principal, director, associate superintendent and superintendent with experience in districts as large as Los Angeles Unified School District and as small as neighboring Acton-Agua Dulce Unified School District. He is passionate about educating all students but has extensive experience in working with English learners, students with special needs and students from low income households. Dr. Zepeda has supported the Keppel community during his wife's tenure as a first grade teacher at Antelope Elementary.

Dr. Zepeda earned his doctorate in Education Policy and Leadership from the University of Southern California. He is also a graduate of the University of California at Los Angeles earning both his Bachelor of Arts in History and his teaching credential. Dr. Zepeda earned School Business Management certificate from USC and is certified trainer in Interest Based Bargaining. Additionally, Dr. Zepeda has worked at the local, state and federal levels advocating for schools and students.

Board President Jannie Dutton said, "The Board was impressed with Dr. Zepeda's demonstrated leadership and passion for improving educational opportunity and achievement for all students." Dr. Zepeda stated he was truly excited by the opportunity to come back home to partner this community in strengthening teaching and learning.

Dr. Zepeda will begin his duties at the District in July.

Contact: Toray Smith
(661) 944-2155

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